IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 182/2007

SMT. MEERA DANI & ORS. Vs. STATE OF RAJASTHAN & ANR.

DATE: 13.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. A.K. Gupta for the petitioners.
Mr. B.S. Chhaba, PP for the State.
Mr. Manoj Bhardwaj for the complainant-respondent.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioners against the order dated 25.11.2006 passed by the Special Judge (Fake Currency Cases), Jaipur City, Jaipur in Criminal Revision Petition No. 112/2005 allowing the revision petition filed by the complainant-respondent against the order dated 11.01.2005 passed by the Additional Chief Judicial Magistrate No.9, Jaipur City, Jaipur dismissing the complaint of the complainant-respondent.

The said impugned order dated 25.11.2006 is challenged by the revision-petitioners on the ground that the Revisional Court can only remand the case after giving opportunity of being heard to the parties. Learned counsel for the petitioner in support of his submissions placed reliance on the judgment rendered by

the Hon'ble Supreme Court in the case of **P. Sundarrajan and Others Vs. R. Vidhya Sekar, reported in (2004) 13 SCC 472,** wherein it has been held by the Hon'ble Supreme Court that High Court without issuing notice to the respondent before it (appellant before the Supreme Court) and without considering the defence available to him proceeding to consider the material produced by the revision petitioner and directing the Magistrate to proceed with the complaint in accordance with law- Held, order unsustainable as it violated principles of natural justice as also requirements of law of hearing a party before before passing an adverse order.

Here in the instant case also applying the ratio decided by the Hon'ble Supreme Court in the aforementioned case, the Revisional Court has not given opportunity of being heard to the petitioners.

Therefore, in view of the ratio decided by the Hon'ble Supreme Court, the order dated 25.11.2006 passed by the Special Judge (Fake Currency Cases), Jaipur City, Jaipur deserves to be quashed and set-aside and the same is hereby quashed and set-aside and the matter is remanded back to the Revisional Court to pass fresh order after giving opportunity of being heard to the parties in accordance with the provisions of law.

With these observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

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